Regulation Amendment Bill (Section 56) be taken up and finally passed.

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—I second it.

Motion was put and carried.

The Cochin Village Panchayat Regulation Amendment Bill—Sec. 9, 12 & 46.

* **Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—Sir, I beg to introduce the Cochin Village Panchayat Regulation Amendment Bill.

It will be noticed that this Bill covers three different matters, all bearing upon the Panchayat Law but not otherwise related to each other. These were all grouped together in the same Bill for reasons of convenience. Rather than very many individual bills, Government thought it advisable to have all these matters in one bill. The first matter is that mentioned in Clause 2 of the Bill and that relates to the resignation of Panchayatdars. It sometimes happens that when a Panchayat does not actually function, it would be rather difficult for Panchayatdars to resign. So, the machinery is provided here, viz., a Panchayatdar or President may resign his office by giving notice to the Government through the Panchayat but in cases where the Panchayat is not functioning, such resignation may be effected by giving notice to the Government either through the Tahsildar or the Magistrate or the District Registrar or the Panchayat Inspector or the Panchayat Overseer having jurisdiction over the village for which the Panchayat is established. The resignation shall take effect from the day on which it is accepted by the Government.

I will leave alone for a moment the next matter that is dealt with in section 3 and pass over to the last important one, section 4. That relates to the serving of summonses and other court orders from village courts. According to the existing law, if a party residing in an adjacent Panchayat has to be served with summons or some other orders, such processes have to be gone through the various Panchayats. Here, provision is introduced for the purpose of serving summons to the adjacent Panchayat also. So, these are two simple matters.

Now, we come to the second matter, that is the one dealt with in Clause 3 of the Bill. A little more explanation may be

* Speeches not corrected by the Hon'ble Member.

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required on this clause. Hon'ble Members are aware that the Panchayats in the State started to function from the year 1089 when the first Regulation was passed and it has functioned for the last 22 or 23 years. From small beginnings, the Panchayats have now spread throughout the State, and I understand, practically all the villages in the State are covered by 87 existing Panchayats. No doubt, the work of the Panchayats has not been as vigorous as it could have been. The one reason granting good will and co-operation and energy on the part of the Panchayatdars themselves, the one reason that should account for this state of affairs, appears to the Government to be the financial one. As the Hon'ble Members are aware, from time to time, Government have been making grants to these Panchayats and these grants have been increased steadily from year to year, but the growth of the Panchayats and demands for funds for meeting the real needs of the Panchayats have certainly been in advance of the financial expansion of the Government, with the result that a certain stage had to be reached early enough when adequate funds could not be provided out of the general revenues to these Panchayats. As matters now stand, an amount of two lakhs of rupees is being given to these Panchayats annually, but this, the Government considers, is a very fair limit and no more substantial expansion is possible in the near future. Now, the question arises, how are these Panchayats to meet their financial obligations if they are to grow at all and to do any satisfactory and energetic work? The only alternative appears to the Government to follow the examples of the Sister States and Governments, and in fact, all progressive countries, viz., to confer upon these self-governing bodies some powers of taxation. It goes without saying that additional amenities have to be paid for by somebody. It is obviously unreasonable to expect the general revenues to come to the help of these Panchayats. In accordance with the practice universally obtaining, wherever such institutions have been functioning, Government consider that it is only fair alike to the general tax-payer as well as to all classes of people who derive benefits from the Panchayats themselves to confer discretionary powers—not compulsory—of taxation upon these Governing bodies. As I stated already these two lakhs of rupees distributed between 87 Panchayats, although by no means negligible, is not at all adequate and it has been found in practice not adequate. In fact the paucity of funds for maintaining capital expenditure of any substantial nature whatsoever is very great. These Panchayats as they exist now have absolutely no powers to tax whatsoever. The

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little money that is collected by way of taxation from rural areas, namely the money that is collected by invoking the provisions coming under dangerous and offensive trades, is very insufficient and I must say, more or less, a paltry amount. If the needs of these Panchayats have to be adequately met at all the Government are thoroughly satisfied that the Panchayats themselves should be given discretionary powers of taxation. Hon'ble Members are aware that those powers of taxation are conferred upon these Panchayats to be utilised by them at their discretion subject of course to the sanction of Government which sanction, as Hon'ble Members are aware, is highly necessary. When these powers of taxation are conferred upon the Panchayats there will be no reason for complaint whatsoever from the people living in the Panchayats themselves because they themselves have to legislate and they themselves have to meet their own requirements, than which I cannot imagine a better system. In these days when the cry is raised for self Government this is in encouragement to self Government. No doubt I am aware that there is a school of people who, while demanding from the house tops more and more amenities in villages and towns and institutions, are entirely left to make the least sacrifice and pay the smallest tax. To that class of people such measures must be reprehensible. But I am sure Hon'ble Members of this House who have all along been standing more and more for self Government will certainly welcome this.

Now, Sir, Government is not going to interfere with anybody but is proposing to confer upon the Panchayats powers of taxation themselves. If they think that such taxation is necessary in their own interests not a single pie collected by the Panchayats will be taken from them at all.

Dr. A. R. Menon *(Pallippuram).*— Has there been any request from the Panchayats for the introduction of this Bill?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*— I do not think there has been any request from the Panchayats for the introduction of this specific Bill. But I know that there have been requests from several Panchayats for granting to them the power to collect the small tax that is being collected by the Department of Public Health by invoking the provision of the dangerous and obnoxious trade licenses.

Dr. A. R. Menon. *(Pallippuram).*— That is a different proposition altogether.

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Mr. Thomas Manjuran *(Government Advocate and Law Officer).*— I do not deny that it is different. I said there is no demand in a specific form. The question is not with regard to legislation but with regard to the persistent demand for more and more money. That is the point.

Dr. A. R. Menon. *(Pallippuram).*— That is money is to be handed over to them instead of to the Department of Public Health and Panchayats.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*— This money that is being collected is put in their own hands. We are not going to take a pie out of it.

Mr. T. A. Ramachandra Ayyar. *(Nellayi).*— Is it stated in the Bill that this money will not be taken?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*— If that is the objection, I will satisfy the Hon'ble Member for Nellayi. That is a clear illusion. The power of taxation is given to the Panchayat itself and the money that is collected by the Panchayat is not to be omitted. Nobody's coffers are intended to be filled. Do not be mistaken. I am very glad that the Hon'ble Member is asking me this question. If that is the reason for the mistrust and prevention, that statement will clear it. We are now dealing with only the principle. I am very glad and may assure the Hon'ble Member for Pallippurm that all his hundred questions shall be answered.

Now this is a measure conferring upon the Panchayats entirely discretionary powers and introducing taxation if they think so. It is for them to find their own revenue which may from time to time be found inadequate. It is for them to think in their own interest. It is open to them to do so and keep their money themselves. If, on the other hand, they think there is no necessity for taxation don't do it. Personally I should give the most anxious and complete consideration that Government could possibly give. Government could not imagine that there exists the least objection from a democratic standpoint to that measure. I would invite Hon'ble Members to point out any shortcomings which any one of them might have gathered in this measure. Is there any lurking danger in this Bill? Is there any interference with private purse?

I would invite the Hon'ble Members to point out any mistake which they might have discovered in this measure. Is there any interference of anybody's rights or private powers?

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These are the questions the Hon'ble Members should put to themselves before they reject the Bill.

Dr. A. R. Menon *(Pallippuram).*—Is it for collecting taxes?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—They are. But here the taxation is by yourselves. No question of representation comes. You tax for your own purpose. Can anything be more moderate and reasonable than this?

Mr. P. Kumaran Ezhuthassan *(Vaddakancherri).*—Certainly not, certainly not.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—There is no use of saying 'certainly not, certainly not.' I can only explain to him if he will point out the fallacy. There is no use to sit in a nook or corner and say 'certainly not, certainly not.' Let him stand up and argue.

Mr. E. Ikkanda Warriar *(Urakam).*—Can we do it together?

Dr. A. R. Menon *(Pallippuram).*—After you have finished we will begin.

Mr. President.—The Hon'ble Member takes objection to the interruption.

Mr. P. Kumaran Ezhuthassan *(Vadakkancherri).*—I will pocket it, Sir.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I am a great believer in arguing out face to face rather than make statements. Here is Government placing a measure before you. If it is not acceptable to you you can repudiate it. You can show the fallacy and hollowness of it, but not these side tracking and interruptions.

Now, Hon'ble Members, to continue my argument, this is purely a measure to assist self Government. I know even the Hon'ble Member who has been repeatedly interrupting me has been persistently demanding for responsible Government. May I know what responsible Government means? May I know whether any self government can be run without money on soul force and if money is required do Hon'ble Members expect that money will be found spoon fed to them by an extraneous authority even though they are not prepared to take out the least pittance from their own pockets? That sort of attitude will not help.

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This money is not intended to pay any officer of the Government or anybody else. You have read in one of the sections of the bill this is an entirely discretionary measure. Nobody compels any Panchayat to introduce taxes. I am sure there is a certain amount of misunderstanding probably fostered misunderstanding. It is for this that I am making this rather long review. Hon'ble Members unfortunately assume an attitude of opposition to this bill instead of giving their complete support, because it is a bill introduced in their own interests and in the interests of their constituents and for the welfare and support of their constituents. If ever there was a bill introduced in this House entirely altruistic it is this. I challenge any Hon'ble Member to disprove this statement.

Mr. T. A. Ramachandra Ayyar *(Nellayi).*—We will bring a bill.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I like interruptions provided they are necessary and which could be understood. (Hear, hear). These interruptions are imperceptible and of a side tracking nature.

Mr. C. R. Iyyunni *(Trichur North).*—I would like to know whether the Member for Law has been stating that this is a discretionary measure. Suppose one Panchayat makes up its mind to impose a tax at a time when they really want and afterwards if the Panchayat makes up its mind not to impose such a tax, can such a thing be done? Is there provision in the bill to that effect?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I do not want to go into the details of the bill at this stage. Assume for arguments sake there is such a lacuna. What is the proper course? Here is a bill placed before you. This is a matter of detail for you to go into.

Mr. President.—I think there has been considerable misapprehension about this bill. Probably if I explain the position of the Government I can simplify matters. It is not the intention of the Government to force this bill through. It is certainly not the intention of the Government to invoke any special powers the Government have got and pass this bill if the House does not want it. The object of the Government introducing this bill is this. After nearly a quarter of a century of the working of the Panchayats, Government feel that the time has now come when the Panchayats must be permitted, with the previous sanction of the Government, to levy

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some local taxation. That is all this bill intends. If under this bill a Panchayat wants to levy local taxation then they can do so with the previous sanction of the Government. In other words we leave the liberty to the Panchyats themselves to decide in the first instance whether they would levy any local tax . Once they determine to tax they will have to obtain the permission of the Government. After obtaining the permission of the Government, the kind of tax that they can levy is fixed by this bill. In fact the object of this bill is to permit the Panchayats, if they so require, to levy a tax. Only the limit within which they can go is fixed by this. Now if once the Panchayat is given the power to levy a tax whether it should be given the power to cancel the tax is a matter of detail which should be done in Committee. The Municipal Regulation wants to levy a house tax at 5 per cent. The Municipality cannot reduce it without the previous section of the Government. Some such provision may be made when it goes to the Select Committee. The intention of the Government in introducing this bill is to permit Panchayats to levy local taxes. If this bill is adopted and if in accordance with the provisions of the Bill any Panchayat levies any taxation it is further the intention of the Government not to mix the proceeds of that taxation with the general contribution fixed by the Government. They have to keep it as a separate fund just as Municipalities have their own proceeds of taxation. The Panchayats will keep a separate account and they will prepare a separate budget. The receipts will consist of the income from the local taxation plus any contribution the Government makes and when that is done the Government will be prepared to allow greater freedom to spend the money as they like. Now Panchayats are not given that freedom. The Director of Public Health and Panchayats exercises some check in the spending of the money. If the Panchayats are prepared to shoulder the responsibility at least for part of the expenditure then Government will be prepared to allow the Panchayats to spend the money as they please. I hope this statement will take away any misconception. There is no need to discuss this bill in an atmosphere of hostility and excitement. I hope Hon'ble Members will realise fully the exact implication of the Bill and what the intention of the Government is in bringing forward this measure.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I may add that an exact parallel exists in the Madras Local Boards Act. Under that act three kinds of bodies

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are contemplated, District Boards, Local Boards and Panchayats. All these have powers of taxation and they have independent funds, just on these lines. These are matters of detail. That Act differs slightly. But the idea is there. That bill was passed I believe in 1920 and it has been working more or less successfully. As the Diwan President has elucidated the real object of the Bill I do not think anything more in way of explanation is needed from me.

Mr. K. T. Mathew *(Kunnamkulam)*—Are the local institutions referred to by the Hon'ble Member as existing in British India District Boards, Taluk Boards and Unions or District Boards, Local Boards and Panchayats?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—They are District Board, Local Board and Panchayat. It is so said in the Act. The book is here. The Hon'ble Member can please refer to it. Should I take the book to you or should I send it to you?

Mr. E. Ikkanda Warriar *(Urakam).*—I beg your leave to present a petition to this Council under S. O. 60. This petition is from the inhabitants living within the jurisdiction of the Ollur Group Panchayat led by Vadakkinedath Manakkal Damodaran Nambudiripad. There are 639 signatories. The material allegations in the petition are that they are already over-taxed and that they are unable to bear any fresh taxation as the time chosen is most inopportune on account of unemployment, slump in prices of commodities, etc., etc. The house tax proposed to be levied is inequitable in view of the fact that the 'Thirumul Kazhcha' now collected represents the tax formerly collected in the name of 'Puraputhan' in pre-Settlement days. The prayer portion is—

"കൊച്ചിയിലെ ബഹുഭൂരിപക്ഷം ജനങ്ങൾ കർഷകന്മാരാണ്. ഉല്പന്നങ്ങളുടെ വിരളം, വിലമാന്ദ്യം, ചിലവില്ലായ്മ എന്നിവകളാൽ ഇവിടത്തെ ജനങ്ങൾ പ്രതീക്ഷാതീതമായി ദുരിതമനുഭവിക്കുന്ന ഒരു കാലമാണിത്. ജനങ്ങളെ നേരിട്ടുകണ്ട് അവരുടെ കഷ്ടപ്പാടുകൾ അനുഭവിച്ചറിഞ്ഞതിനാലാണ് അറിവാനിടവന്നിട്ടുള്ള കൊച്ചി നിയമനിർമ്മാണ സഭയോട് പ്രസ്തുത വിഷയത്തിൽ വേണ്ടതെല്ലാം ഗവൺമെൻറിനെ മനസ്സിലാക്കി ഞങ്ങളുടെ സങ്കടത്തിനു ഒരു നിവൃത്തിവരുത്തിത്തരുവാൻ കഴിയുന്നതെല്ലാം പ്രവൃത്തിക്കണമെന്നു വണക്കമായി അപേക്ഷിച്ചുകൊള്ളുന്നു."

* **Dr. A. R. Menon** *(Pallippuram).*—Sir, it is with great

* Speech not corrected by the Hon'ble Member.

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reluctance that I rise to oppose this Bill. As the Hon'ble President has explained the matter and appealed to us to view it without any prejudice, without any feeling of irritation, we will try our best to study this bill and assign reasons why we are assuming this attitude of opposition to a bill which on its merits alone should command our support to some extent. Sir, just as the Government explained their position we also wish to explain our position here. Matters may arise here which will appear to a Member as quite reasonable. The question arises as to what attitude a Member should assume in the House—whether only his individual opinion or whether he should reflect the concentrated opinion of the constituency whom he represents here.

Mr. E. Ikkanda Warriar *(Urakam).*—My petition has to be dealt with under S. O. 63.

Mr. President.—I think the House is in possession of the petition. The fact that the Hon'ble Member was allowed to present the petition is itself sufficient that the petition has been dealt with under that S. O.

Dr. A. R. Menon *(Pallippuram).*—To continue. We are here more or less to reflect the opinion of those whom we represent and it is our duty to find out how they view any measure in this House, no matter whether it is to their benefit or not. You have sometimes to force castor oil down the the throat under protest. Even so occasions may arise when the Government will be compelled to force down the throat of people certain reforms. Here you have given the option to choose and, we now represent them however well or ill it may be. As we represent their views we are at present against the introduction of this measure here. I hope that though our Government is irresponsible in the constitutional sense of the word still it is responsive public criticism. There has been an instance of a change effected in the Government as the result of responsiveness to public criticism with regard to the arecanut market. There the representations were made only by the people of one or two taluks. Here the opposition is from the whole State. There has been a feeling of irritation throughout the whole State through and through and they think that an additional imposition of tax is to be imposed upon them at a time when they can ill-bear the burden that is already imposed upon them. I hold, Sir, however reasonable the measure may be, there is such a thing as expediency. There is a time for everything. What may not be suitable now

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may be suitable within another five years. What may be suitable now may not be suitable after five years. I honestly think that the Government has chosen this thing at a time when they should not have brought a measure like this. In spite of the assurance given by the Diwan Peishkar yesterday in his happy-go-lucky disposition that the prices are going up, that we are expecting bumper crops, and that people are in sound financial conditions, I hold that both the people in the urban rural areas are in the strangle-hold of economic depression. They are still writhing and groaning. I have never come across a case like this and if the House is going to be guided by these altruistic views they will be launched in grave difficulties hatever you may say—our conditions may have improved very slightly—the economic depression still presses down the population in its stranglehold and any imposition of tax at a time like this should be considered as an unfriendly act, a tyrannical act on the part of the Government. But as the Government carefully explained that the power to fix these taxes is given to you, that is Government is not imposing taxes by legislation itself, it is for you to decide whether this is the proper time. Personally on the merit of the Bill, I am not going to call it in question. It is really a useful measure. If it would not come as a real measure in the near future I am satisfied. My only objection is that the time chosen is not proper. We can afford to wait a few years more when conditions would be more prosperous than they are now.

Now, Sir, I wish to make one or two observations with regard to this Bill. We are always copying British Legislation. There should be a limit for that too. When we imitate a piece of legislation from the British Legislature, we should be satisfied whether that piece of legislation can be made applicable here and useful here. I hold this piece of legislation cannot be of any benefit to Kerala as Kerala is situated now. The word "Village" occurs here also. There is no such thing as a village in the sense 'Village' is understood in the Tamil Nadu or Andhra Desa or in Canara. There a village means a group of huts and buildings clustered together in a limited area surrounded in some cases by an ancient wall. There it is represented as a minor town, a town on a very small scale. There you can do some sanitation work, you can light the public streets, improve the public roads and water them. Where is a village of that kind in this State? There is no village here. The village is a unit of convenience for the Diwan Peishkar for his revenue collections.

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Here a village means a number of huts scattered in four or five miles, each house is separated from the other and the distance comes to half a furlong or one furlong and in some cases even four furlongs. What kind of sanitation can you do in a place like this and what sanitation such a place does require? Nature does the sanitation. Your sanitary science comes into play only when you live in rural areas. You have not seen these places, except the Parvathiam who comes to collect the revenue and some-times a stray constable. In such a village what can you do even by collecting this amount, excepting constructing roads? I hope that the roads must be constructed out of public funds and not from the Village Panchayat Funds. Government must construct roads for the use of the general population out of general revenue. Taking money out of the pocket of the rural population, I can understand, if there is a village unit in the sense that I explained before. If there are a number of houses together, I can understand that view point. Therefore, when you say "village" the meaning "village" as understood in other parts is not applicable here as it is only a group of small huts and buildings for the purpose of the application of this Bill. The word 'village' has no significance here whatsoever.

And the second point is, I see simply a copy of the Municipal Regulation. I find here figures Rs. 25, Rs. 30 and Rs. 40, etc. I cannot understand the drafting of a Bill like this. You want large buildings to collect anything in the shape of rent. There are very few houses with an average rental of Rs. 25. There may be two or three in certain villages. Remember these taxes are to be collected and utilised for their own purpose and on what more will you utilise it? You cannot utilise this because of the geographical situation, because of the topographical situation. Then we come to professional taxes on Rs. 2,000, Rs. 1,500 and a series like that in the villages. We will be rolling on wealth if we expect some income under that category. When you introduce a Bill, there must be some sense, some reason why the Bill should be introduced. These are the various reasons, as I said, the most important reasons we advance for whom we represent. We are almost unanimous against the passing of this measure. Personally for myself I am not disputing about the merits or de-merits of the measure. I think that in course of time it would be a wholesome measure when it ought to be on the Statute Book. But at present the people are against it and it is a common wisdom that direction must be used, and expediency must be considered. At present

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this Bill is unacceptable to those whom we represent and for these reasons, Sir, I oppose this motion.

* **Mr. P. Kumaran Ezhuthassan** (*Vadakkancheri*).—Mr. President, Sir, it is nothing but a feeling of duty towards the rural population of Cochin that makes me speak something on this motion. It is necessary to remember that the Panchayat Organisation relates to the rural population as distinct from town or municipal areas. It is the sense of duty towards them that compels me to stand up here and oppose an apparently democratic measure that is placed before this House. The Hon'ble Law Member in his most pleasant mood has told us that the Government, by introducing this amendment Bill, is doing the duty towards the vast rural population in the right direction, referring to the persistent demands in this House for the grant of such a form of Government. He was stating again in his most pleasant mood that representative Government without taxation is something which cannot be conceived of and that the Bill is introduced therefore with the laudable object mentioned in the objects and reasons accompanying this Bill viz., with a view to encourage and develop local self-government in the State in its most primary form, and to invest Panchayats with certain powers of local taxation. This is the laudable object which induced the Government of Cochin to come forward before this House with this most democratic measure according to the Law Member. The objects and reasons of the Bill is susceptible of a construction that we have reached a stage where all but the power of taxation has been reached and the only thing to complete the structure is the grant of such power of taxation, to the Panchayats.

It has been stated by the Hon'ble Member who moved this Bill that the working of the Panchayat institution for well nigh quarter of a century has not been what it ought to be and he stated in very clear terms that the chief obstacle in the way of such working of this most useful institution was want of funds, and this Bill is but the remedy for covering that defect. He elaborated this argument by saying that the Bill is meant to supplement the meagre funds that Government finds its way to place in the hands of the Panchayats. That is an erroneous statement of fact, this placing of funds in the hands of the Panchayats as is seen from our experience of the working of the Panchayats. I am sure those Hon'ble Members who have or had either the fortune or the misfortune to know the inner working of the Panchayats

* Speech not corrected by the Hon'ble Member.

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will vouch for the correctness of the statement that I make. I am making that statement with the fullest sense of responsibility that ought to be with me and that is with me. As I stated, according to the Hon'ble Member, the object is only to supplement the funds that according to him are placed in the hands of the Panchayats. Without going into the propriety or otherwise of the few items of taxation the luxury of levying which is attempted to be given to the Panchayats, I submit that for our present purpose a correct appraisement of the laudable object with which that illustrious Ruler of Cochin who thought it proper and timely to grant us the boon of Panchayats, have been carried out, at least to a very small measure, if not in full. I ask that question very seriously to Government. The Law Member has by a force of circumstances been compelled at least to state that the working had not been what it ought to be. Making pointed reference I would like to have some indulgence from the Hon'ble Member. I submit that by making pointed reference to one particular phrase occurring in section 12 of the Regulation which is intended to work out what is contained in section 11 of the Regulation I state that the Government have not been pleased to put into practice what is intended to be given to us by this enactment. Section 12 of the Regulation reads that funds required by the Panchayat to carry out the purpose of this section shall be placed at its disposal by the Diwan in accordance with the rules prescribed by him from time to time. I can understand the necessity, the propriety, of the phrase appearing towards the close of the section, namely that funds shall be placed in accordance with the rules to be made for the proper working of the Regulation. I ask the Government whether any funds have been placed at the disposal of the Panchayat as distinguished from the Panchayat Department which at one time was run by a double-faced officer and which was ruled at another time by a single officer. From the day on which it was instituted till today funds have not been placed at the hands of the Panchayats. I submit that the practice has been to have earmarked a certain amount for the Panchayat Department to be utilised by the Department as a branch of the executive machinery of the Government and not to place funds in the hands of the Panchayats allowing them to utilise that amount in the best way in which they think fit, to utilise it surely with the previous sanction of the Government. I can understand that if the working of the Panchayat has been such that what was considered after due deliberation to be absolutely necessary by the Panchayat at the time of the budget, keeping themselves within the amount that the Department of Panchayat

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allots to them, was provided for. But it has been our experience that various Panchayats had to be told after the budget session is over that none of their recommendations are provided in the Budget allotment. Not only that none of them is granted but some items of work that have not been recommended and therefore presumed to be unnecessary according to the representatives of the area, are thrust upon them. Can there be a greater farce than recommendations not accepted but something not recommended thrust upon them? Can it be gainsaid that such practice is being obtained now in the administration of Panchayats today? Hon'ble Members of this House who have any knowledge of the working of the Panchayats either as President or as Members will certainly endorse the statement that I make. Such being the working of the Panchayats the working of the various things granted to us under section 11 covering clauses (a) to (k) and containing many items of work that cater to the amenities of the rural population ought to be under the control of the Panchayat concerned. The experience however is that the various provisions from (a) to (k) are taken out of the hands of the Panchayat. Not that I concede most of them were in their hands. These were given according to the Regulation, and even what was given was taken out of their hands. That being the real state of affairs in the working of the Panchayats you say that here we come with a permissive legislation and that you need not tax yourself if you do not want. When I ask the question whether it is competent to incur the expenditure we say that it is a matter of detail fit to be considered at the select committee stage. Such being the state of affairs obtaining in the Panchayats, I seriously ask whether the very word that it is a democratic measure that is placed before you, that the defects shall be cured at the time of the Select Committee, whether these things will undo the experience that some of us have with the working of the Panchayats. My respectful submission is that unless and until the Government is pleased and prepared to place whatever funds, meagre or large, in the hands of the Panchayats allowing them to expend it according to the best of their likes surely guided by the Department wherever it is necessary, unless that privilege is as a matter of fact given to them and as embodied in section 11 and unless they are trained to do that work for a reasonable period of time, simply to tell them that here is a measure by which you are given the luxury of taking the people is meaningless. It is not stated what you have to do with that tax. From the trend with which the bill was moved it would only appear that that amount collected will be only an addition to

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the funds that are now earmarked for the Panchayats. It is not stated that such funds will be utilised as recommended by the Panchayats. Therefore we can presume safely that the amount will be only to fill the coffers of Government, surely to be given back to the Panchayat departmental head to be utilised in some of the Panchayats as best as he deems fit. That will be the result of this additional taxation. In that view it is my painful duty in the interests of the rural population who alone are affected by this measure to oppose this measure even at this stage.

Mr. H. J. Walmesley *(Planters)*—However far I may agree with the opinions lucidly set forth in the speech of the Hon'ble Member for Pallippuram, I must base my objection to the Bill at this stage on a different stand-point. In these days of constantly increasing taxation every one of His Highness' subjects has the right to resist if new taxation is levied by a responsible and efficient body and the funds raised thereby are expended to the best advantage. In a recent speech the Diwan himself said the Panchayats were worked with indifference and indolence. This I understand is a most moderate criticism. Further I understand the amount of 2 lakhs now alloted to the Panchayats is not given to them to utilise. Surely if Government consider the Panchayats are so incompetent that they are not prepared to allow them to utilise the allotment now given from public revenues they are taking an undue step even in the sacred name of local self Government in entrusting to them the major powers of raising taxation and exhausting the funds raised thereby. I suggest that for a limited period at least Government should place in the hands of the Panchayats the amounts of the grants now alloted and defer the grant of power to raise taxation until they are satisfied of their competence and efficiency.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ *(Nellai)*.— ഈ ബിൽ പാസ്സായാൽ ഏതെങ്കിലും വില്ലേജിൽ ഇതുപ്രകാരം നികുതി കളക്ട് ചെയ്യുകയാണെങ്കിൽ എത്ര കിട്ടും; അതു കളക്ട് ചെയ്യുവാൻ എന്തു ചിലവു വേണ്ടിവരും; ചിലവു കഴിച്ചു ബാക്കി എന്തുണ്ടാകും;

മിസ്റ്റർ തോമസ് മാത്തൂരാൻ *(Government Advocate and Law Officer)*.— ഈ ഒരു ചോദ്യത്തിനു മറുപടി പറയുവാൻ തരമില്ലെന്നു ബഹുമാനപ്പെട്ട മെമ്പർക്കുതന്നെ അറിയാം. ഇന്നപ്രകാരമുള്ള നികുതിയാണെന്നു ഇതിൽ പറഞ്ഞിട്ടില്ല.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ *(Nellai)*.— ഇതുപ്രകാരമുള്ള നികുതി.

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മിസ്റ്റർ തോമസ് മാഞ്ഞൂരാൻ *(Government Advocate and Law Officer)*.— ഏതു വില്ലേജിൽ ആണ്?

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ *(Nellai)*.— ഏതെങ്കിലും വില്ലേജിൽ.

മിസ്റ്റർ തോമസ് മാഞ്ഞൂരാൻ *(Government Advocate and Law Officer)*.— ഏതെങ്കിലുമൊരു വില്ലേജിൽ എന്നു പറഞ്ഞാൽ എങ്ങിനെയാണ് അതിനനുസരിച്ചു പറയുന്നതു? നികുതി ബോദ്ധ്യപ്പെട്ടതിനു ശേഷം അതിന് എത്ര ചിലവു വേണ്ടിവരുമെന്നറിഞ്ഞാൽ മാത്രമേ പറയാൻ തരമുള്ളൂ.

Mr. K. S. Manickam. *(Irinjalakkuda)*.— Mr. President, Sir, commendable as the principle underlying this legislation is, I feel constrained to oppose this legislation because it comes at a most inopportune moment. Taxation ought to be resorted to by modern Governments at times when the prosperity of the people demands that such taxation should be resorted to. In spite of the optimistic reports of the Hon'ble the Diwan Peishkar and supported yesterday by my Hon'ble friend the Member for Jews that the prices of commodities are in the increase we are not able to concede that it is an indication which goes to prove that we are having more prosperous days than we had in the previous years. Besides that there is also another reason which prompts me to oppose this Bill. Government may be aware of the fact that certain towns which were hitherto being managed by the Department of Public Health are now being constituted into minor Municipalities allowing them to take care of themselves. Irinjalakuda is one instance. Minor Municipality is a term which I borrowed from my friend the Law Member. I thought that the Law Member would be far from wrong. If it is wrong I withdraw. I do not wish to be side tracked now. A perusal of the resolutions sent for discussion during this session of the Legislative Council will reveal that a Resolution had been tabled by my learned friend Mr. Kumaran Ezhuthassan to the effect that this Council recommends that Kunnamkulam and Wadakkancherry be constituted into minor Muuicipalities. The position of the Government has also been enumerated by the Secretry to Government when the question of constitution of Municipalities came up for discussion during the last budget session in the course of questions and answers. The position enunciated by the Government was that whenever the public of a locality come forward to the Government willing to be

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constituted themselves into a Municipality Government will only be too glad to constitute those areas into Municipalities.

Mr. T. S. Narayana Iyer. *(Secretary to Government)*.— With the proviso that the additional taxation that will be inevitable will be born by the public.

Mr. K. S. Manickam. *(Irinjalakuda)*.— Their willingness to constitute themselves into Municipalities is I presume willingness on their part to submit themselves to all the implications that arise out of the constitution into Municipalities. When the people come forward with a request that their town should be constituted into a municipality Government can take it for granted that the people who come forward with such a request would also be willing to abide by the implications arising out of it.

Now, that this resolution is coming from the elected representatives of the public requesting the Government to constitute their own constituencies and neighbouring places into minor municipalities, I do not think that there will be any opposition on the part of the Government to readily consent to the principle of the resolution. Now that the resolution will be accepted some of the most important towns that are now managed by the public Health Department will be left to the management of Muncipalities and a certain amount of money that is now spent on them need not be spent for the benefit of these towns. That money can be appropriated for the welfare of other Panchayat areas excluding these. The amount of money that the Public Health Department is at present spending for the sake of towns like Kunnamkulam, Vadakkancheri, Irinjalakuda, Ollur and Tripunitura will be released and if these amounts are diverted for the benefit of the outlying Panchayat areas my submission is the necessity for such a taxation may not arise, because the object of this legislation is to find out money for the better management of the Panchayat areas.

Besides, during the course of the general discussion of the budget I made myself bold to suggest that an allocation of the general revenues to the several departments might be made considering the large amounts that we are spending for various Departments and also to prevent fluctuations in the budget from year to year. The Finance Member readily consented to this proposal and also stated that he would try to incorporate this proposal in the next budget. If that proposal is going to be incorporated, we can more or less know the exact amount that

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the Public Health Department would be getting for the development of the Panchayat areas. If such of the towns as are now spending large sums of money for their own benefit are constituted into municipal areas, with powers to raise their own taxation, the amount that the Panhhayat department is now spending can also be utilised along with the allocation in the budget from the general revenues for the welfare of the Panchayat areas. If such an amount is found to be inadequate, then the time may come to go in for such legislation. In view of the changes that may take place in the near future by the constitution of minor municipalities, my own submission is that the time is not ripe for the introduction of such a piece of legislation. With these remarks I oppose this Bill.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ *(Ezhuva North)*.— സർ സ്വയംഭരണ സ്ഥാപനമായ പഞ്ചായത്തുകൾക്കു കൂടുതൽ അധികാരം തരണമെന്നു ഈ നിയമസഭയിൽ ജനങ്ങൾ വളരെക്കാലമായി പറഞ്ഞുകൊണ്ടിരിക്കുന്നു. എന്നാൽ പഞ്ചായത്തിന്നു് കൂടുതൽ അധികാരം നൽകുന്നതിന്നും പഞ്ചായത്തുകളെ സഹായിക്കുന്നതിന്നും ഈ നിയമസഭയിൽ ഒരു ബിൽ അവതരിപ്പിച്ചുകാണുന്നതിൽ ഞാൻ ഗവമ്മെൻറിനെ അഭിനന്ദിക്കുന്നു. ബഹുമാനപ്പെട്ട ലാമെമ്പർ അവർകൾ ഈ ബിൽ അവതരിപ്പിച്ചപ്പോൾ പഞ്ചായത്തു വീതിച്ചെടുക്കുന്ന നികുതി, ഗവമ്മെൻറുദ്യോഗസ്ഥന്മാർക്കു പങ്കുവെക്കുവാനുള്ളതു്, അതു് പഞ്ചായത്തിന്നായിട്ടതന്നെ ചിലവുചെയ്യുവാൻ പോകയാണു് എന്ന കേട്ടതിലാണു് എനിക്കു് അധികം സന്തോഷം തോന്നുന്നതു്. അതു വളരെ നല്ലൊരു കാര്യമാണു്. അപ്പോൾ മറുള്ള നികുതി വീതിച്ചെടുത്തു ഗവമ്മെൻറുദ്യോഗസ്ഥന്മാർ പങ്കുവെക്കുന്നു എന്നു് അദ്ദേഹത്തിൻെറ പ്രസംഗത്തിൽനിന്നും വിചാരിക്കാമെങ്കിലും ഞങ്ങൾ അങ്ങിനെ വിചാരിക്കുന്നില്ല. ഇതു പിരിച്ചെടുത്തു് അവിടെത്തന്നെ ചിലവുചെയ്യുവാൻ ഉദ്ദേശിക്കുന്നതിൽ ഞാൻ ഗവമ്മെൻറിനെ അഭിനന്ദിക്കുന്നു. സാമ്പത്തികാധഃപതനം ലോകമൊട്ടാകെ ബാധിച്ചിട്ടുണ്ടു്. കാഷ്ഠികോല്പന്നങ്ങളുടെ വില കുറയുകനിമിത്തം ജനങ്ങൾ വളരെ കഷ്ടപ്പെടുന്നു. രണ്ടുകൊല്ലമായി ജനങ്ങൾ അനുഭവിച്ചുവരുന്ന നികുതിയിളവുകൂടി ഈ കൊല്ലത്തിലില്ല. ഒരു പക്ഷേ, സാമ്പത്തികാധഃപതനം തീർന്നുവെന്നായിരിക്കാം ഗവമ്മെൻറിൻെറ വിചാരം. അതല്ലെങ്കിൽ ഈ നികുതിയിളവു ദുർല്ലഭം ചിലർക്കുമാത്രമേ ഉപകരിക്കുന്നുള്ളൂ. സാധുക്കൾക്കു പരക്കെ ഇതു ഉപകാരമാകുന്നില്ല എന്നു ഗവമ്മെൻറു ധരിച്ചിട്ടുണ്ടായിരിക്കും. എങ്ങിനെയായാലും കുറച്ചെങ്കിലും ഭ്രസ്പത്തുള്ളവർക്കു് ഈ ടാക്സ് റമിഷൻ വലിയൊരു അനുഗ്രഹമായിരിക്കും. കാരണവന്മാരായിട്ടു് ഒരു വലിയ കെട്ടിടം പണിയിച്ചിട്ടുണ്ടായിരുന്നു. ആ വീട കണ്ടിട്ടു് ഗവമ്മെൻറു നികുതി നിശ്ചയിക്കുന്നു. അങ്ങിനെയുള്ള തൊഴിൽ നികുതി പിരിച്ചെടുക്കുവാനുള്ള അധികാരമാണു് ഈ ബി

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ൽമൂലം ഗവമ്മെൻറു തരുവാൻ പോകുന്നതു്. തൊഴിൽ നികുതി ഇല്ലാതാക്കി സാധുക്കളെ രക്ഷിക്കണമെന്നും കഴിഞ്ഞ ബഡ്ജറു സമ്മേളനത്തിൽ ഞാൻ ഒരു ഉപക്ഷേപം അവതരിപ്പിച്ചു. മത്സ്യക്കച്ചവടം, ചായക്കച്ചവടം മുതലായ നിസ്സാരമായ സംഖ്യ ചിലവുചെയ്തു നടത്തുന്ന ചില കൈത്തൊഴിലുകാർക്കു നികുതി ചുമത്തുന്ന ഏർപ്പാടു നിറുത്തണമെന്നു് ഒരു ഉപക്ഷേപം മൂലം ഞാൻ ഗവമ്മെൻറിനെ ധരിപ്പിക്കുകയുണ്ടായി. എന്നാൽ ഈ സന്ദർഭത്തിൽ ഇങ്ങിനെയുള്ള നികുതികാർ പിരിച്ചെടുത്തു് പഞ്ചായത്തു നടത്തുവാൻ ഞങ്ങളോടു് ആജ്ഞാപിക്കുകയാണു ചെയ്യുന്നതു്. ഇപ്പോഴുള്ള നികുതിതന്നെ ജനങ്ങളോടു പിരിക്കുവാൻ പാടില്ലാത്തവിധം അത്രവളരെ കഷ്ടത്തിലാണു്. ഏതൊരുഭൂമിക്കും കാലംചെല്ലുന്തോറും അതിലുണ്ടാകുന്ന ഉല്പന്നങ്ങളുടെ വിലകൊണ്ടു അതിന്റെ നികുതി കൊടുക്കുവാൻക്രൂടി സാധിക്കുന്നില്ല. ഗവമ്മെൻറു ഫാറത്തിൽ കൃഷിനിശ്ചയപ്രകാരമുള്ള വളം ചേർത്തു കൃഷിചെയ്തിട്ടുള്ള ഫാവുന്ന തെങ്ങുകാർക്കു ൻ ക. ന്യ ണ. ൻ പൈ. യാണു് ചിലവുകഴിച്ചു മിച്ചമെന്നു പറയുമ്പോൾ ഇന്നു ഞങ്ങളുടെ സ്ഥിതി എന്താണു്? നികുതികൊടുക്കാതെ ഉണ്ടായിട്ടുള്ളതാണു് ഈ ൻ ക. ന്യ ണ. ൻ പൈ. ഇതാണു് ഇന്നത്തെ കർഷകന്മാരുടെ സ്ഥിതി. ഇങ്ങിനെയുള്ള ഉൾനാടുകളിൽനിന്നു് പഞ്ചായത്തുകാർക്കു ക്രൂരതൽ നികുതി ചുമത്തുവാനുള്ള അധികാരമാണു കൊടുക്കുന്നതു്. പഞ്ചായത്തുകളുടെ പണിനടത്തുവാൻ പണംവേണം. പഞ്ചായത്തുകളിൽനിന്നു് പണം പിരിക്കുക; അവിടെ ചിലവുചെയ്യുക; ഇങ്ങിനെവരുമ്പോൾ ജനങ്ങളുടെ ആവശ്യം നടക്കുകയില്ല. ഈ ബിൽ പാസാക്കി നടപ്പിൽ വരുത്തുന്നതായാൽ മറേറാരോ സംഗതികാർക്കും വേണ്ടതായ സംഖ്യ വിനിയോഗിക്കുകയും പഞ്ചായത്തിനു ആവശ്യമായ ഓരോ പുതിയ പണികാർ നടത്തുകയും ചെയ്യാമെന്നുവന്നാൽ അതിനേക്കാർ സന്തോഷം എന്താണു് ഞങ്ങാർക്കു വരുവാനുള്ളതു്. ഈ നിയമവും പാസാക്കി ഞങ്ങളുടെനാട്ടിൽ ചെല്ലുവാൻ ഞങ്ങളുടെ പുറത്തു തകരപ്പാട്ട, ചാക്കു, പാള മുതലായതുകാർ ചുമ്മുകെട്ടണം. സാധുക്കളാണു ഉൾനാടുകളിൽ അധികവും. അതുകൊണ്ടാണു് ഉൾനാടുകളിൽ നിങ്ങാർ വരണമെന്നും കാണണമെന്നും ഞാൻ നിങ്ങളോടു പറയുന്നതു്. ഒരു ദിവസം ഒരു നേരമെങ്കിലും തീപ്പുകയില്ലാത്ത കുടുംബങ്ങാർ എന്റെ വില്ലേജിൽ ധാരാളമുണ്ടു്. അതുകൊണ്ടു് അങ്ങിനെയുള്ള സ്ഥലത്തു പുതിയ നികുതി ചുമത്തുക എന്നു വന്നാൽ അതു വളരെ സങ്കടമാണു്. ഇതൊക്കെ ആവശ്യമാണു്. അതിനു ഒരു കാലമുണ്ടു്. ഇപ്പോഴുള്ള നമ്മുടെ സാമ്പത്തികക്കുഴപ്പം മാറി ഒരു നല്ലകാലം വരുമ്പോർ ഇതു പാസാക്കാം. ഇന്നു ഇതു പിൻവലിച്ചാൽ പിന്നീടു ഒരു കാലത്തു ഇതു് അവതരിപ്പിക്കുവാൻ സാധിക്കും. ഇതിനെപ്പററി ഒരു സംഗതി ഒരൊററ പട്ടികമൂലം ഞാൻ ഗവമ്മെൻറിനെ ധരിപ്പിക്കാം.

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ഏവം സാമ്പത്തികാധഃപതനതരമഹാ
ദുഃഖവാരാശിയിങ്കൽ
പാവം! ഹാ! ധാത്രിമുങ്ങിപ്പുരവശത
പെരുത്തമ്പരക്കും ദശായാം
ദൈവം കോപിക്കുമെന്നുള്ളൊരു നിനവുമിടി-
ക്കാതെ ഗവമ്മെൻറു, ലോക-
ക്കേവക്കും ദുഃഖം വളക്കും നിയമമിതുടനെ
പിൻവലിക്കേണ്ടതല്ലീ!

Mr. K. S. Manickam *(Irinjalakkuda).*—On a point of information. I do not know whether the rules allow this. The speeches can be in English, Malayalam or Tamil but I don't know whether poetry is allowed.

Mr. President.—Whether it is prose or poetry, the Hon'ble Members can only speak, but not sing. (Laughter).

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ *(Ezhuva North).*— ഇങ്ങിനെ ഗവമ്മെൻറിനെ ഉൽബോധിപ്പിച്ചുകൊണ്ട് തല്ക്കാലം ഈ ബിൽ ഗവമ്മെൻറു പിൻവലിക്കണമെന്ന് ഞാൻ ഗവമ്മെൻറിനോട് അപേക്ഷിച്ചുകൊള്ളുന്നു.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—The Hon'ble Member seems to think that all petty shopkeepers will be taxed. Only incomes above Rs. 50 are taxed.

Mr. P. Govinda Menon *(Adur).*—It is evident that the Law Member has not understood the poem.

The House rose for lunch at 1 p. m. and re-assembled at 2-15 p. m. with the Deputy President (M. R. Ry. A. Sankara Menon Avl., B. A. & B. L.) in the Chair.

Mr. V. K. Krishnankutty *(Anthikad).*—The Bill under consideration seeks to invest the Village Panchayats of this State with the power of imposing local taxation. One of the most important justifications for imposing local taxation is that the public business is managed most economically when those who bear the burden of taxation can control the expenditure. Let us examine the bill from this view point first of all. Let us see whether the Panchayats of this State have any control over the purse in the strict sense of the word, or in any sense of the term. As very beautifully put by the Hon'ble Member for Vadakkancheri, that in his experience of the inner working of the Panchayats, there is no iota of freedom of expenditure of the purse vested in the Panchayats. From that stand-point this Bill ought not to be introduced before the power of the purse is

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vested in the Panchayats. Let us examine this Bill from another stand point, viz., economy in taxation. Economy in Taxation has so many implications and this feature ought to be the first consideration for any legislature before introducing any system of taxation. What is meant by economy of taxation is the ratio that proceeds bear to the expenditure, and the proportion incidental to the collection. When a question was put to the Hon'ble Law Member whether he had made any calculation in that line as to what will remain after incurring the expenditure for the collection in any particular village or Panchayat, the Hon'ble Member very boldly stated that he had never applied his mind to that aspect of the question. I am reminded of a certain incident which took place in a meeting when a self-important man was reading an essay on a complicated scientific subject. One of the audience, a plain man, stood up and asked, "I cannot understand what the essayist is reading". And the essayist suddenly and boldly replied "nor can I". That should not be the attitude of the Law Member who introduces a piece of legislation without weighing the pros and cons. Lastly I wish to point out that this is the most unfit opportunity for introducing a new system of taxation in the State. Till the end of the year 1111 the Government itself admitted that the rural population of the State could not bear the burden of even the land revenue taxation. Though the Hon'ble Member for Land Revenue was consoling us that the economic depression had shifted, it has not really shifted. The Hon'ble Member for Jews stated that the price of commodities has gone up. I do not know what commodity he meant; it may be foreign commodities imported into the State. When an economic survey of the State was conducted—about 9 villages were subjected to survey — out of the 9 villages, eight villages revealed a uniformly deficit budget for the average family in the village and in this state of affairs we are going to introduce a new system of taxation, which is likely to arouse feelings of resentment in the masses. This is the most unkindest cut of all. If the Bill is introduced when we are all prosperous then there is no difficulty. With these few words I oppose the Bill.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ *(Nellayi)*.— സർ, ഞാൻ ഈ ബില്ലിനെ എതിർക്കുന്നു. "ഈശ്വരൻ വരുത്തുന്നതൊക്കെയും സഹിച്ചുകൊണ്ടീശ്വരാർപ്പണംചെയ്യു പാക്കയേഗതിയുള്ളൂ" എന്ന മട്ടിൽ കഴിഞ്ഞുകൂടുന്ന ഇന്നത്തെ പഞ്ചായത്തുകൾക്കു്, ഈ നിയമ സഭക്കുപോലുമില്ലാത്ത നികുതി ചുമത്തുവാനുള്ള അധികാരം മുതലായ ചില വമ്പിച്ച അനുഗ്രഹങ്ങൾ അരുളുവാൻ തുടങ്ങുന്ന ഈ ബില്ലിനെ

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എഴുക്കുവാൻ തുടങ്ങുന്നതായാൽ കലശലായ ഈശ്വരകോപത്തിനുംക്രടി സംഗതിയായേക്കുമെന്നുഭയം എന്നെ സംഭ്രാന്തചിത്തനാക്കാതിരിക്കുന്നില്ലെങ്കിലും, മനുഷ്യപ്രീതിക്കുവേണ്ടി ഞാനും ഈ നവാവതാരത്തെ എഴുക്കുന്നു; ഏറ വും എഴുക്കുന്ന പഞ്ചായത്തുകൾക്ക് അവയുടെ സൃഷ്ടികർത്താവായ പൊന്നുതമ്പുരാൻ ആ സൃഷ്ടികാലത്ത് ഉദ്ദേശിച്ചതും, വിളംബരം ചെയ്തതുമായ രൂപമോ, സ്വഭാവമോ, ശക്തിയോ, അധികാരമോ ഒന്നുംതന്നെ ഇപ്പോഴത്തെ "തേവരെ തോല്പിക്കുന്ന പൂശാരികൾ" അനുവദിച്ചിട്ടില്ലെന്നു പഞ്ചായത്തു റഗുലേഷനിലെ ക്ഷ-ം ക്ഷ-ം വകുപ്പുകൾ ഒന്നു വായിക്കുകയും ഏതെങ്കിലും ഒരു പഞ്ചായത്തിന്റെ ഇന്നത്തെ പ്രവർത്തനങ്ങളെ ഒന്നു പരിശോധിക്കുകയും ചെയ്യുന്ന ഏതു "മരത്തലയനും" മനസ്സിലാക്കാവുന്നതാണു്. സൃഷ്ടികർത്താവു നൽകിയ നല്ല പല്ലുകളെയെല്ലാം പിടുങ്ങിയെടുത്തു്, ആ സ്ഥാനത്തു ആനക്കൊമ്പുകൊണ്ടോ-എന്നാൽ പിന്നെയും വേണ്ടില്ല—ഉണ്ണിപ്പിണ്ടികൊണ്ടോ—ഉള്ള കൃത്രിമപ്പല്ലുകൾവെച്ചു പിടിപ്പിച്ചു അയാൾക്കു നല്ല ശർക്കരപുരട്ടിയ ഉപ്പേരിയോ, എല്ലോടുക്രടിയ മാംസക്ഷണമോ മാത്രം തിന്നാൻ കൊടുത്തതുപോലെയാണു് പഞ്ചായത്തുകാരുടെ ഇന്നത്തെ നില. "നാടൊക്കെത്തന്നെ തങ്ങളുടെയാണെങ്കിലും പകലെങ്ങും നടക്കുവാൻ പാടില്ലാത്ത "കുറുക്കന്മാരെ"പ്പോലെ" ഇന്നത്തെ പഞ്ചായത്തുകൾ മാതൃകാസ്വയംഭരണസ്ഥാപനങ്ങളുടെ സമസ്താധികാരങ്ങളും റഗുലേഷനിൽ എഴുതിവച്ചിട്ടുണ്ടെങ്കിലും അതിലൊന്നുപോലും തൊട്ടനക്കാൻക്രടി സാധിക്കാതെയാണു് പലർന്നുപോരുന്നതു്. തറവാട്ടിലേക്കു ക്രമമായ വലിയ പാട്ടം പിരിവുള്ളതെല്ലാം തന്റെ ഭായ്മക്കൾക്കു കൊടുക്കുകയും വിശന്നു നിലവിളിക്കുന്ന തന്റെ അനന്തരവന്മാർക്കു കുന്നുപറമ്പുകൾ പാട്ടത്തിനുകൊടുക്കാമെന്നോ കിട്ടാപ്പുള്ളികളെക്രടി എല്പിക്കാമെന്നോ കാട്ടുജന്തുക്കളുള്ള മലംകൃഷി നടക്കാറാക്കാമെന്നോ പറയുകയുംചെയ്യുന്ന ഉദാരനായ കാരണവരുടെ—സ്വന്തമായൊന്നും സമ്പാദിക്കാൻ ശക്തിയോ, പ്രാപ്തിയോ ഇല്ലാതെ പൂർവികന്മാരുടെ സമ്പാദ്യങ്ങളെ ദുർവ്യയംമാത്രം ചെയ്യുന്ന കാരണവരുടെ—സ്വഭാവമാണു് ഈ നിയമം നോക്കിയപ്പോൾ എനിക്കു ഓർമ്മവന്നതു്. ഈ രാജ്യത്തിലെ പഞ്ചായത്തു തറവാട്ടിലേക്കു് ഇപ്പോൾത്തന്നെ പൂർവാജ്ജിതങ്ങളായി അനേകം സ്വത്തുക്കളുണ്ടു്. അതൊക്കെ അനുഭവിക്കുന്നതു് അന്യന്മാരാണു്. ഡിപ്പാർട്ടുമെൻറുകാരാണു്. അതുനിമിത്തം ഗത്യന്തരമില്ലാതെ ഏബ്രാൾകളും ഏഭ്യന്മാരുമായി കഴിയേണ്ടിവരുന്ന പഞ്ചായത്തുകാരോടു് ഇപ്പോൾ ദയാപൂർവ്വം അനുഗ്രഹബുദ്ധ്യാ ഗവൺമെൻറു പറയുന്നു "നിങ്ങൾക്കു നിങ്ങളുടെ നാട്ടുകാരെക്കൊണ്ടു് ചക്രശ്വാസം വലിപ്പിക്കാൻ അവരുടെ അത്താഴം കഞ്ഞിയാക്കാൻവേണ്ട അധികാരം തരാ"മെന്നു്.

സർ, പഞ്ചായത്തുകളെ തന്നാട്ടുകാരെക്കൊണ്ടുതന്നെ "ചെപ്പടിവിദ്യ നടപ്പിക്കുവാനും" അങ്ങിനെ പഞ്ചായത്തുകൾ തല്ലുകൊണ്ടു് ചാകണമെന്ന ഉദ്ദേശമോ ഇപ്പോൾ പഞ്ചായത്തിന്റെ പേരുംപറ

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ഞ്ഞു ഗവമ്മെണ്ടിൽനിന്ന് ചില അനുഗ്രഹീത ഉദ്യോഗസ്ഥന്മാക്ക് നൽകുന്ന വേതനങ്ങളെ വീർപ്പിക്കുന്നതിനുള്ള ആഗ്രഹമോ അല്ല. മൂർച്ചകൂടിയ ഈ നികൃതി പിരിവായുധത്തെ അവരുടെ കയ്യിലേല്പിക്കാമെന്നു ഗവമ്മെണ്ടിനുള്ളതു് എന്നു ഞങ്ങൾ എങ്ങിനെ വിശ്വസിക്കും? ഇതുവരെ വിശ്വാസവഞ്ചനമാത്രം പഞ്ചായത്തുകാരോടു് ചെയ്തിട്ടുള്ള ഗവമ്മെണ്ടിന്റെ നയം ഇപ്പോൾ ഉദ്ദേശിക്കുന്ന നയവും വഞ്ചിക്കാനല്ലെന്നുള്ളതിനു എന്തു തെളിവാണുള്ളതു്? വെച്ചുവിളമ്പാൻ മാത്രമേ മരുമക്കൾക്കു അവകാശമുള്ളുവെന്നും ഉണ്ണാൻ കാലത്തേക്കു് ഇരിക്കാനും കഴിക്കാനും അമ്മായിയും മക്കളും എത്രമെന്നും ഉള്ളതാണു് ഞങ്ങളുടെ ഇതേവരെയുള്ള അനുഭവം. അതുകൊണ്ടു് ഈ സഭ്യവട്ടങ്ങൾ ഈ പുതിയ നിയമത്തിലെ വിശേഷപ്പെട്ട നിബന്ധനകൾ ഞങ്ങളെ തീരെ വ്യാമോഹിപ്പിക്കുന്നില്ല. നേരെമറിച്ചു് ഞങ്ങൾ അതിൽ ഭയപ്പെടുകയാണു ചെയ്യുന്നതു്. സ്വയംഭരണതത്വത്തിലുള്ള അത്യാർത്തികൊണ്ടു് ഇതിലെ നികൃതി പിരിവധികാരത്തെ ഞങ്ങൾ സമ്മതിച്ചാലും സ്വീകരിച്ചാലും, ഞങ്ങൾ പിരിച്ചുണ്ടാക്കുന്ന സംഖ്യകൾ — നാട്ടുകാരോടു മല്ലിട്ടും തല്ലേറും മുറിപട്ടിണിക്കാരെ മുഴുവൻ പട്ടിണിക്കാരാക്കിയും പിരിച്ചുണ്ടാവുന്ന സംഖ്യകൾ — അനുഭവിക്കാൻകാലത്തു അനന്തരവന്മാരെ അപമാനിക്കുന്ന അമ്മാമന്റെ മക്കളെപ്പോലെ ഗവമ്മെണ്ടിൽനിന്നുതന്നെ അതു കരസ്ഥപ്പെടുത്തി പഞ്ചായത്തു ഡയറക്ടരുടേയും അനുചരന്മാരുടേയും ആത്തി തീർക്കുവാൻ ഉപയോഗിക്കയില്ലെന്നു് എങ്ങിനെ നിശ്ചയിക്കാം. അതെവിടെ പറഞ്ഞിരിക്കുന്നു. ഞങ്ങൾ നികൃതി പിരിവു തുടങ്ങിയാൽ ഞങ്ങൾക്കു ഇപ്പോൾ ഡയറക്ടരുടെ സേവപോലെയാണെങ്കിലും കിട്ടിവരുന്ന ഗവമ്മെണ്ടു് ധനസഹായം മേലാൽ ഉണ്ടാകുമോ ഇല്ലാതാകുമോ എന്നു് എവിടെ പ്രസ്താവിച്ചിരിക്കുന്നു. പിരിക്കുന്ന സംഖ്യയുടെ വ്യയാധികാരം ആരിൽ എങ്ങിനെ നില്ക്കുന്നു എന്നു എവിടെയാണു് ഈ നിയമത്തിൽ ഒരു സൂചനയുള്ളതു്.

വേണ്ടസർ, ഞങ്ങൾക്കു് ഈ തവളകളുടെ കൊറിരാജാവിനെ ആവശ്യമില്ല. തരത്തിലുള്ളതില്ലെങ്കിൽ തടിക്കഷണംതന്നെ മതി. പണ്ടുള്ള ഞങ്ങളുടെ സ്വാതന്ത്ര്യാവു് നൽകീട്ടുള്ള അധികാരങ്ങൾ നിങ്ങൾ തട്ടിപ്പറിച്ചുവയ്ക്കുകയോ തരാതെ പൂട്ടിവയ്ക്കുകയോ അന്യന്മാക്കു് എടുത്തുകൊടുക്കുകയോ ചെയ്തിട്ടുള്ള പഞ്ചായത്തു തറവാട്ടിലെ പൂർവ്വസ്വത്തുക്കൾ ഞങ്ങൾക്കായി വിട്ടുതരിക. അതു് ഞങ്ങളൊന്നു പരീക്ഷിച്ചുനോക്കട്ടെ, അനുഭവിച്ചു അറിയട്ടെ, ഭരണം നടത്തി പഠിക്കട്ടെ അതിനുള്ള നന്മനസ്സാണു്, ധർമ്മബോധമാണു്, വിവേകമാണു് ഞങ്ങൾക്കായി ഉണ്ടാകേണ്ടതു്. ഞങ്ങളുടെ എല്ലാം കവർന്നെടുത്തു് അതു അന്യന്മാർ തിന്നുപൂളുകുന്നതുകണ്ടു് കണ്ണിതപ്പെടുന്ന ഞങ്ങളോടു "നികൃതി പിരിച്ചു് ചിലവുചെയ്തോളിൻ" എന്നു പറയുന്നതു് "തമ്പുരാന്റെ വിശപ്പിനു അടിയൻ മരുന്നുതരാം. അതു ചോറിങ്ങെടുക്കുന്നതിനേക്കു്" എന്നു

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പറയുന്ന കാലന്റെ കൂറുംകൗശലം മാത്രമാണ്. ഞങ്ങളുടെ നാട്ടുകാരെ സർക്കാർ നികുതി പിരിവുകാരും, ആരോഗ്യവകുപ്പിലെ പിരിവുകാരും, കോലുകൊണ്ടും ചൂലുകൊണ്ടും ഇപ്പോൾ തല്ലുന്നുണ്ട്. എന്നിട്ടും അവർ ചത്തതിനൊത്താലും ചാകുന്നില്ലെന്നോ, താഴുന്നില്ലെന്നോ ധരിച്ച് അവരെ ഞങ്ങളെക്കൊണ്ടുക്രൂടി തല്ലിച്ചു കൂടുംബത്തിൽ കലഹവും വഴക്കും വക്കാണവുമുണ്ടാക്കാനായിമാത്രം ഉപകരിക്കുന്ന ഈ ബില്ലിനെ ഞങ്ങൾ ഇവിടെവച്ചു ഇപ്പോൾതന്നെ കഴുത്തുപിരിച്ചു കൊന്നു കിഴവനച്ചാലിൽ വലിച്ചെറിഞ്ഞു പോകണമെന്നാണ് ഉദ്ദേശിക്കുന്നത്. അതിനു വിപരീതമായി ഒരു സ്വാതന്ത്ര്യശക്തി,—അതിനെയാണ് ഇക്കാലത്ത് ഈശ്വരശക്തിയായി ചിലർ കാണുന്നത്—ഇടയിൽക്രൂടി പ്രവൃത്തിക്കുന്നുണ്ടെന്നും ഞങ്ങൾക്കറിയാം. എന്നാൽ നിയമം പാസ്സായാൽ ഞങ്ങൾക്കു നാട്ടുപുറത്തുക്രൂടി കാറിൽ പോകാൻപോലും സൂക്ഷിക്കേണ്ടിവരുമെന്നു അറിയാത്ത ഒരാളല്ല, ആ ഈശ്വരൻതന്നെയും. അതുകൊണ്ട് അവഹേളനത്തേയും അപഹാസ്യത്തേയുംമാത്രം അർഹിക്കുന്നതും അന്തച്ഛിദ്രവും ആപത്തും നിറഞ്ഞിരിക്കുന്നതും തന്നിഷ്ടവും തൻകാര്യവും മുഴച്ചുനില്ക്കുന്നതുമായ ഈ പുതിയ പഞ്ചായത്തു കൂട്ടപ്പന്റെ സംസ്ക്കാരത്തിന്നതന്നെ സന്നദ്ധരാകണമെന്ന് ഞാൻ എല്ലാ അനുദ്യോഗസ്ഥാംഗങ്ങളോടും ക്ഷമയോടും ക്രൂടി പ്രാർത്ഥിക്കുന്നു.

മിസ്റ്റർ കെ. അയ്യപ്പൻ (*Ezhuva South*).— സർ, ഇപ്പോൾ നികുതികൊടുക്കുവാൻ ജനങ്ങൾക്കു ശക്തിയുണ്ടോ ഇല്ലയോ എന്നുള്ള സംഗതികളൊന്നും ഈ റഫ്രഷ്മെന്റിന്റെ ആലോചനയിൽ എടുക്കേണ്ട ആവശ്യമില്ല. നികുതി കൊടുക്കുവാനും ഈ ബില്ലുകൊണ്ടു നിർബന്ധിക്കുന്നില്ല. ഈ ബില്ലിന് ഇക്കാര്യത്തിൽ ഒരു എതിരു പറയുവാനുള്ളത് ഇപ്പോൾ പഞ്ചായത്തുകളിലിരിക്കുന്ന ആളുകൾക്കു നികുതി ചുമത്തുവാനുള്ള അധികാരം ഉണ്ടായിരിക്കുമെന്നു അറിവോടുക്രൂടി തിരഞ്ഞെടുക്കപ്പെട്ടവരല്ലാ എന്നതുകൊണ്ടു ഇപ്പോഴത്തെ പഞ്ചായത്തുഭാരന്മാർക്ക് ഈ അവകാശം കൊടുക്കുവാൻ പാടില്ലെന്നു ആക്ഷേപം പറയാം. അല്ലെങ്കിൽ ഇഷ്ടംപോലെ നികുതി ചുമത്തുവാനോ ചുമത്താതിരിക്കുവാനോ ഉള്ള സ്വാതന്ത്ര്യം പഞ്ചായത്തുകൾക്കു കൊടുക്കുന്നതു ജനങ്ങളാൽ തിരഞ്ഞെടുത്തയക്കപ്പെടുന്ന പ്രതിനിധികൾ ദുരുപയോഗപ്പെടുത്തിയേക്കും എന്നു വിശ്വസിക്കുകയാണെന്നുണ്ടെങ്കിൽ പഞ്ചായത്തുകൾക്കു ഗവർമ്മെണ്ടു് അധികാരം കൊടുക്കണമെന്നു വാദിക്കുവാൻ നിവൃത്തിയില്ലാതെവരും. എന്നാൽ ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുകയല്ലാ ചെയ്യുന്നതു്. ബില്ലിനെ അനുകൂലിക്കാതിരിക്കുന്നതിനു ഈ സഭയിൽ ഒരു വലിയ ഭൂരിഭാഗത്തിനു് വേറെ ഒരു കാരണമുണ്ടു്. ഇപ്പോൾ പഞ്ചായത്തുകൾക്കു് വാസ്തവത്തിൽ അധികാരമുണ്ടോ; അധികാരമില്ലെങ്കിൽ എങ്ങിനെ ഉണ്ടാക്കാം എന്നുള്ള കാര്യമാണു് പ്രധാനമായി ആലോചിക്കേണ്ടതു്. ഞാൻ മുമ്പൊരിക്കൽ പറഞ്ഞിട്ടുള്ളതുപോലെ പഞ്ചായത്തുകൾ എന്നു പറഞ്ഞുകഴിഞ്ഞാൽ ഗ്രാമങ്ങളിലുള്ള ജനങ്ങളുടെ ആവ

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ശൃങ്ങലം നിറവേറുവാനുള്ള ഒരു സ്ഥാപനമാണെന്നുള്ള വ്യാഖ്യാനം മാത്രമേ കൊടുക്കുവാൻ പാടുള്ളൂ. പഞ്ചായത്തു് എന്നു പറഞ്ഞുകഴിഞ്ഞാൽ ജനങ്ങൾക്കു് ആവശ്യമായ കാര്യങ്ങൾ ചെയ്തുകൊടുക്കുന്നതോടുകൂടിത്തന്നെ ജനങ്ങൾക്കു് സ്വയംഭരണപരിചയം കൊടുക്കുവാനുള്ള ഒരു സ്ഥാപനംകൂടിയായിരിക്കണം. ഗ്രാമങ്ങളിലെ ജനങ്ങൾക്കു് ആവശ്യമായ കാര്യങ്ങൾ ചെയ്തുകൊടുക്കുന്നതിനേക്കാൾ പ്രധാന ജനങ്ങളെ സ്വയംഭരണതത്പരം പരിശീലിപ്പിക്കുക എന്നതാണു് പഞ്ചായത്തു് ഏർപ്പാടിന്റെ പ്രധാന ഉദ്ദേശം. ഈ ഉദ്ദേശം നിറവേറുവാൻ ഗവമെണ്ടു് ഇവിടെ വേണ്ടതുപോലെ ആത്മാത്ഥമായി ശ്രമിച്ചിട്ടുണ്ടോ ഇല്ലയോ എന്നുള്ള സംഗതിയാണു് ആലോചിക്കാനുള്ളതു്. പഞ്ചായത്തുകളിലിരുന്നു വളരെ വേലകൾ ചെയ്യാൻ ശ്രമിച്ചവരും വളരെ പരിചയമുള്ളവരുമായ ഈ നിയമസഭയിലെ ചില മെമ്പർമാരുടെ അനുഭവത്തിൽ ഗവമെണ്ടു് മനഃപൂർവ്വം, പഞ്ചായത്തു് റഗുലേഷൻപ്രകാരം നടപ്പാക്കിയ, മഹാരാജാവു തിരുമനസ്സുകൊണ്ടു് ഉദ്ദേശിച്ചിരുന്ന, ആ അധികാരങ്ങൾതന്നെ മനഃപൂർവ്വം പിടിച്ചെടുത്തുകൊണ്ടു് പ്രാപ്തന്മാരായിരിക്കുന്ന ആളുകൾ ഭരിക്കുന്ന പഞ്ചായത്തുകളിൽപോലും സ്വയംഭരണാധികാരം പ്രയോഗിക്കാനും സ്വയംഭരണാധികാരംവഴി ജനങ്ങൾക്കു ഗുണം ചെയ്യുവാനും സാധിക്കാത്ത അനാശാസ്യമായ നില വരുത്തിവച്ചു എന്നാണു് ആക്ഷേപം. അനുഭവത്തിൽനിന്നു ഇങ്ങനെയുള്ള മെമ്പറന്മാർ ഈ അഭിപ്രായം പറയുമ്പോൾ ഇതുപോലെയുള്ള റഗുലേഷനു വാദിച്ചുകൊണ്ടിരുന്നവരും ഇപ്പോഴും ഇതുപോലെയുള്ള റഗുലേഷന്റെ തത്പരത്തെ അനുകൂലിക്കുന്നവരും ടാക്സേഷൻ വേണമെന്നു വാദിക്കുന്നവരുമായ ഞങ്ങളെപ്പോലെയുള്ള ചില മെമ്പറന്മാക്കു് അവരുടെ വാദത്തെ എതിർക്കുവാൻ നിലയില്ലാതെവരുന്നു. ഇതിനു് രണ്ടു മാർഗ്ഗമാണുള്ളതു്. ഗവമെണ്ടു് ഇപ്പോൾ നികുതി ചുമത്തുവാൻ ഉള്ള അധികാരം കൊടുത്തുകഴിഞ്ഞാൽ പിരിക്കുന്ന പണം ഇഷ്ടംപോലെ ഉപയോഗിക്കുവാൻ വ്യവസ്ഥയുണ്ടാക്കിക്കൊള്ളണമെന്നു പറയുന്നു. ഈ അധികാരമുപയോഗിച്ചു് ഗവമെണ്ടിൽനിന്നും കൊടുക്കുന്നതായ കാൺടിബ്യൂഷനെ സംബന്ധിച്ചു ഇതുപോലെയുള്ള അധികാരം സമർപ്പിക്കുവാൻ ശ്രമിക്കുന്ന ഒരു മാർഗ്ഗം. അതായതു് ഈ ബില്ലിനെത്തന്നെ ഉപയോഗിച്ചുകൊണ്ടു് പഞ്ചായത്തുകളെ കൂടുതൽ ഫലപ്രദമാക്കുന്ന ഒരു മാർഗ്ഗം. ഈ മാർഗ്ഗങ്ങളെ അംഗീകരിച്ചു ഇപ്പോൾ ഗവമെണ്ടിൽ നിന്നും കൊടുക്കുന്ന പണം പഞ്ചായത്തുകൾക്കു യഥേഷ്ടം ഉപയോഗിക്കുവാൻ അധികാരം കൊടുത്തു പരീക്ഷിച്ചതിനുശേഷം, സ്വയംഭരണതത്പരം അവരെ പരിശീലിപ്പിച്ചതിന്റെശേഷം ഈ അധികാരം കൊടുക്കുക എന്നു രണ്ടു മാർഗ്ഗങ്ങളാണുള്ളതു്. വളരെ ഗാഢമായി ആലോചിച്ചതിനുശേഷം ഇതിൽ നല്ലതു് പ്ലാനേറഴ്സ് മെമ്പർ അവർകൾ പറഞ്ഞതുപോലെയുള്ള ഒരു മാർഗ്ഗമാണു് അധികം നല്ലതെന്നാണു് അധികംപേരുടേയും അഭിപ്രായം. ടാക്സേഷനു എതിരാണെന്നുള്ള ഈ നിയമസഭയുടെ അഭിപ്രായം. ജനങ്ങളുടെ ആവശ്യങ്ങൾക്കു വേണ്ട കരം

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ചുമത്തുന്ന കാര്യത്തിൽ എതിരായിട്ടാണ് ഈ ബില്ലിനെ ഇന്ന് എതിർക്കുന്നതെന്നുള്ള തെറ്റിദ്ധാരണ, ഗവൺമെണ്ടിനോ പൊതുജനങ്ങൾക്കോ ഉണ്ടാകരുതു് എന്നു പ്രത്യേകിച്ചു പറയേണ്ട ആവശ്യമുണ്ട്. ഇങ്ങനെയുള്ള യാതൊരുദ്ദേശവും ഞങ്ങൾക്കില്ല. നികുതി കൊടുക്കുവാൻ ശക്തി ഉണ്ടെങ്കിലും ശക്തി ഇല്ലെങ്കിലും നികുതി ചുമത്തി പിരിച്ചെടുക്കേണ്ട കാര്യമുണ്ട്. എല്ലാ വില്ലേജുകളേയും സംബന്ധിച്ചല്ല ഞാൻ പറയുന്നതു്. ഈ കടലോരങ്ങളിലുള്ള ഗ്രാമങ്ങളിലെ മനുഷ്യരുടെ പ്രാഥമികാവശ്യത്തിനുകൂടി സൌകര്യമില്ല. ഭക്ഷിച്ചില്ലെങ്കിലും തരക്കേടില്ല, ഉടുത്തില്ലെങ്കിലും തരക്കേടില്ല, കുളിച്ചില്ലെങ്കിലും തരക്കേടില്ല. അതിനെ എല്ലാറ്റിനേയുംകാൾ പ്രധാനമായി വേറെ ഒരു കാര്യത്തിനു സൌകര്യമുണ്ടാകേണ്ടിയിരിക്കുന്നു. അങ്ങിനെയുള്ള സ്ഥലങ്ങളിൽ സൌകര്യം ഉണ്ടാക്കിക്കൊടുക്കുന്നതിനു പണം വേണം. അതിനു അവരെക്കൊണ്ടു നിർബന്ധിച്ചെങ്കിലും നികുതി കൊടുപ്പിക്കണമെന്നാ അഭിപ്രായക്കാരാണു ഞങ്ങൾ. ഭാവിതലമുറകളുടെ ആരോഗ്യത്തെ സംബന്ധിക്കുന്ന ഈ കാര്യത്തിൽ നിയമസഭയും ഗവൺമെണ്ടും അതിനു ഉത്തരവാദപ്പെട്ട പൊതുജനപ്രതിനിധികളും അവരുടെ കടമ നിറവേറുന്നതിൽ വിരോധികളായി വരികയില്ല.

സ്വയംഭരണം ജനങ്ങളെ പരിശീലിപ്പിക്കുവാനും ആ സ്വയംഭരണംവഴി അവരെക്കൊണ്ടു് ജനങ്ങൾക്കു് ഗുണം ചെയ്യിക്കുവാനും ആയി ഏർപ്പെടുത്തിയ പഞ്ചായത്തു റഗുലേഷനെ ഗവൺമെണ്ടിന്റെ അശ്രദ്ധകൊണ്ടോ ഗവൺമെണ്ടിൽനിന്നും അതിനു നിയമിക്കുന്ന ഉദ്യോഗസ്ഥന്മാരുടെ പരിചയക്കേടുകൊണ്ടോ അവരുടെ അറിവില്ലായ്മകൊണ്ടോ പ്രാപ്തിക്കേടുകൊണ്ടോ ആ റഗുലേഷൻപ്രകാരം ഉദ്ദേശിച്ചിട്ടുള്ള അധികാരങ്ങളെല്ലാം ജനങ്ങൾ അനുഭവിക്കാതെപോയിരിക്കുന്നു. അതിനു പരിഹാരമുണ്ടാക്കുവാനാണു് ഞാൻ ഗവൺമെണ്ടിനോടു പറയുന്നതു്. അതിനൊരു പരിഹാരമുണ്ടാക്കുവാൻ ഗവൺമെണ്ടിനു ഒരു അവസരം തരുവാൻവേണ്ടി ഈ റഗുലേഷൻ തല്ക്കാലം നീട്ടിവെക്കുവാനാണു ഞാൻ പറയുന്നതു്. ഈ കാരണംവച്ചുകൊണ്ടാണു് ഇവിടെ വളരെ അധികം മെമ്പർമാരും ഈ റഗുലേഷനെ എതിർക്കുന്നതു്.

ഒന്നു എനിക്കു ഇവിടെ പറയുവാനുണ്ടു്. ഞങ്ങൾക്കു് നിർബന്ധമില്ല; നിങ്ങൾക്കു വേണ്ടെങ്കിൽ ഞങ്ങൾ കൊണ്ടുവരുന്നില്ല എന്നു പറഞ്ഞു ഗവൺമെണ്ടു് ഒഴിഞ്ഞാൽപോര. എന്തൊരു കാരണംപറഞ്ഞു ഈ റഗുലേഷൻ പാസ്സാക്കുവാൻ പാടില്ലെന്നു പറഞ്ഞുവോ ആ കാര്യത്തിനു പരിഹാരമുണ്ടാക്കുവാനുള്ള ബാദ്ധ്യത നിങ്ങളുടെ തലയിൽനിന്നു മാറുന്നില്ല. ഒരു ഒറ്റക്കൊല്ലം പ്ലാന്റേഴ്സ് മെമ്പർ അവർകൾ പറഞ്ഞതുപോലെയുള്ള അനുഭവങ്ങൾ ഈ കൊച്ചീരാജ്യത്തു നടത്തിക്കാണിക്കാമെന്നുണ്ടെങ്കിൽ ഈ റഗുലേഷൻ നിങ്ങൾ ഇവിടെ കൊണ്ടുവന്നു പാസ്സാക്കിയില്ലെങ്കിൽ ഞങ്ങൾ കൊണ്ടുവന്നു പാസ്സാക്കും. ഈ ഒരൊറ്റ കാരണംകൊണ്ടുമാത്രമേ ഈ ബില്ലിനെ ഞാൻ എതിർക്കുന്നുള്ളൂ.

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കരം ചുമത്തിയതു പോരെന്നു് വിശ്വസിക്കുന്നവനും കൂടുതൽ കരം ചുമത്തണമെന്നു പറയുന്നവനും ആയൊരാളാണു ഞാൻ. ഇപ്പോൾ അതിൽ അധികനികുതി ചുമത്തുന്നുവോ അതു നികുതിപിരിവു പാവങ്ങളുടെ വേലയുടെ ഫലമായിട്ടു് അധികമായി.

മിസ്റ്റർ എ. വി. മുത്തേടൻ. (*Chalakudi*) — വലിയ സോഷിലിസമാണു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ. (*Ezhuvas South*) — എന്തു "ഇസ"മെങ്കിലുമാകട്ടെ; സംഗതി ഇതാണു്. ടാക്സ് കൊടുക്കുവാൻ മടിച്ചിട്ടല്ല; ടാക്സ് പിരിക്കണം. ടാക്സ് അതിൽനിന്നും പിരിച്ചുവോ അതു് അവരുടെ ഗുണത്തിനുവേണ്ടിത്തന്നെ ചിലവഴിക്കണം. ഈ അവസരത്തിൽ, ശ്ലോകം ചൊല്ലുന്നതു് അപകടമാണെന്നു് മുമ്പൊരു പ്രാസംഗികനിൽനിന്നും മനസ്സിലായി എങ്കിലും മഹാകവി കാളിദാസന്റെ പ്രസിദ്ധപ്പെട്ട രഘുവംശത്തിൽ കരം പിരിക്കുന്നതിനെപ്പറ്റി പറഞ്ഞിട്ടുള്ള തത്വം ഇവിടെ ഉദ്ധരിക്കാം. "മഴയായിട്ടു ഭൂമിക്കു ദാനംചെയ്യുവാൻ സൂര്യൻ കടലിൽനിന്നു വെള്ളം എടുക്കുന്നതുപോലെയാണു് പ്രജകൾക്കു രക്ഷചെയ്യുവാൻതന്നെ പണ്ടു് ഒരു രാജാവു കരം പിരിച്ചു". അതുപോലെ ജനങ്ങളുടെ ഗുണത്തിനായിരിക്കണം കരം പിരിക്കുന്നതു് എന്നുള്ള സംഗതി വരുമ്പോൾ ഒരു എതിരും ഇവിടെ ഉണ്ടാകയില്ല.

Mr. P. Govinda Menon *(Adur)*.—Sir, this is a Bill introduced with the apparent intention of giving greater impetus to the growth of local self-Government of a particular type namely the Panchayats of the State. Pledged as we are to a programme of greater and greater local self-government we ought prima facie to support the principle underlying the Bill. But we are constrained to oppose this Bill at the present stage for various reasons.

The Hon'ble Member for Pallipuram though not belonging to our party often leads our party from outside and led the opposition to this Bill. A vigorous attack characteristic of that Hon'ble Member was made against this Bill and weighty reasons were adduced. One of those reasons was that at the present juncture it is inadvisable to launch upon a scheme of greater taxation. My Hon'ble friend the Member for South Ezhuvas in a different strain pleading for greater taxation also opposed the Bill. Although without offending any of the sentiments of the Hon'ble Member for South Ezhuvas I can also plead for lesser taxation at the present moment. But I do not base my opposition on that ground. The Hon'ble Member for South Ezhuvas was pleading for a system of taxation obtaining in States under Socialistic Governments forgetting that the Government itself belongs to a different category. That

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has always been the policy of the Hon'ble Member for South Ezhuvas. This is by the way. It is not because the people, the villagers, are not in a position to pay more taxes, it is not only because of that that we oppose this Bill. If greater taxation were necessary in order to develop the democratic institutions of this State in order to get more and more self-government, we as a party shall be the last to oppose such taxation. The Hon'ble Member for Pallippuram also adduced other weighty reasons for opposing the Bill. While conceding the weight of those arguments, we, in the event of the Government pressing this matter to a division, shall oppose the Bill on the ground that it is only apparently intended to promote self-government in the Village Panchayats. For the last 25 years the Government by intentional acts of omission and commission had been robbing the spirit underlying the Panchayat Regulation by the rules framed thereunder and by the activities of the Department. After working the department for the last 25 years, the 87 Panchayats of the State have become a big farce from the standpoint of self-governing institutions. These Panchayats may be doing good work as Panchayat Courts or in the matter of giving small amenities for the villages. But considered as self-governing institutions they have become mere adjuncts of a capricious executive department. The Bill is sought to be passed through this Legislative Council upon the argument that after 25 years' of working the greater development of these self-governing institutions requires more funds and those funds can be got only by local taxation. But, Sir, the working of the Department for the last 25 years shows that as self-governing institutions these Panchayats are of no use. Therefore we can now treat this Bill only as a measure intended to levy more taxes in order to run the Panchayat Department. There is a difference between that and the other thing, that is to say local taxation in order to give greater development to self-Government through the Panchayats. If you want more revenue, if with the present revenue you cannot properly run the Panchayat Department, be honest and raise the taxes yourself. Do not make a camouflage of the whole matter and say that in order to develop local self-government, you are asking the Panchayats themselves to levy the taxes. That is a fallacy, a trick which we shall not concede at this moment. Therefore we oppose this measure at this stage because through the Panchayat Department Government has not granted self-governing institutions to the villages. If the Panchayat Regulation were worked in its proper spirit, if sections 11 and 12 especially were worked in their proper spirit, if the spirit underlying those

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sections were not taken away by the rules framed by the Government, these local bodies would have been glorious self-governing institutions by this time and long ago the Panchayats themselves, the people themselves, the representatives of the people themselves, would have agitated for empowering the Panchayats to levy taxes. Section 12 of the Regulation says that the funds required by the Panchayats for carrying out the purposes of this Regulation shall be placed at its disposal by the Diwan in accordance with the rules framed thereunder. I understand that by the rules framed under this section the funds are in the hands of the Department itself. The Department executes the works in the Panchayats and the whole show is carried on by the Department. It was stated before the House this morning that about 2 lakhs of rupees every year is granted by the Government to the Panchayat Department for the running of the Panchayat Department. This would work at the rate of Rs. 2000 nearly for every Panchayat. This Legislative Council from its very beginning has been agitating for the allocation of fixed sums for every Panchayat in the State. When the budget is gone through, you see that some Panchayats in some year did not get any amount. There are some Panchayats which get 5 to 6 thousand rupees, while there are some Panchayats whose recommendations are not at all heeded to by the Department and works which the Panchayats have not recommended are executed. This is the excellent and glorious way that the Department has been running a show of local self-government. After running the show for 25 years, in order to swell the revenues of the Government you now under the pretext of promotion of local self-government want to levy taxes. You want the revenues and you want to place the blame on the Panchayats. It is that which we seek to oppose at the present stage. Therefore I request the Government to work the Panchayat Regulation in the proper spirit in which it was framed, to work it for two or three years and give training to the Panchayats in local self-government and after that bring such a bill. It would be then in the fitness of things. At the present stage we have to oppose this Bill to register our emphatic protest against the spirit in which the scheme of the Panchayat Regulation has been worked by the Government for the last 25 years.

Mr. P. Sankunni Menon *(Elankunnapuzha).*—Mr. President, Sir, I oppose this Bill. It seems to enforce in the Villages the taxing provisions of the Municipal Regulation without providing for any of the amenities of Municipal administration

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and without conferring any powers of self-government, on the Panchayats. The basis of Municipal taxation is flagrantly ignored and without enlarging the powers of the Panchayats and entrusting to them the duty to administer to the local civic needs, the attempt is to levy new taxes to swell the general revenues of the State. It is surprising to see that this Bill is sought to be introduced with a view to "encourage and develop local self-government in the State in its most primary form," and that that lesson is to be taught by investing the Panchayats with powers of local taxation. If this is the way how the Government think of initiating self-government, then it is better that we go without it at all; and that even in its primary stage it is shunned.

Last year there was an attempt made to introduce by means of an amendment to the Municipal Regulation these powers of taxation to rural areas but it was negatived by this House. There is here only a change in dress; but the present Bill has at least the merit of frankness in that it states what it wants and there is no camouflage about it. Last year's Bill was mainly attacked on the ground that it has all the vices of Municipal Regulation without any of the redeeming features and benefits of Municipal administration. This Bill will have the same effect if passed. The Government say that the bill is for fostering self-government. Now what is self-government? Self-government is control of the affairs of the people by the people for the people; it is emphatically, not Government by an outside agency through the people according to what it thinks is for the people. The bill is therefore obnoxious in principle and is opposed to the fundamental conception of self-government.

The power to tax is a very sacred power and is to be used only when occasion unavoidably demands it. Are our present Panchayats really self-governing institutions? Undoubtedly No. Do the conditions obtaining in the rural parts justify the imposition of these fresh taxes? There can be no two opinions upon that also. They do not. Our country is predominantly agricultural and the lot of our agriculturists in the rural areas is miserable. What with the phenomenal fall in the prices of agricultural produce and the ever increasing burden of taxes, what with the intense economic depression and the heavily increasing rise in the standard of living, what with the increase in the wants and the decrease in the means of livelihood, the indebtedness of the agriculturists have gone up to such an enormous extent that they are groaning under its burden. Their struggle for existence is hard and often they have to go without

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even a meal a day. Famished, ill-fed, ill clad they drag on their weary existence dissipating their energies in the attempt to make both ends meet and keep the wolf from their doors. The rural areas where they live are miserable. They have no good drinking water, no good roads or pathways. They have no burial grounds or grazing places. The sanitary condition of the villages are awful; sweeping even being only an annual function. They do not get any return for the taxes they now pay. Their backs are bent with the crushing weight of the burden of the money-lender's and tax gatherer's demands. The imposition of fresh taxes would be like the last straw on the camel's back; they are already dying, they will be dead. The Government does not view seriously the enormous extent of the indebtedness of the agriculturists. They have not cared even to investigate that. Ruinous interest, bad seasons, the insecurity of agricultural holdings, rack-renting, the increasingly diminishing return from lands, the crude old methods of agriculture, all these and other factors have contributed to make for the ruin of the agriculturists. If these new taxes are imposed, it will create a situation which will be the very extremity of distress and will drive the people to despair. I therefore very strongly oppose the taxing provisions contained in the Bill.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—So far as I was able to follow this debate one unanimous chorus was no doubt noticed viz., for any reason and every reason the non-official do not want this Bill. That much I could definitely understand. But I must confess I was rather startled by some of the reasons advanced by the Hon'ble Members and those reasons were startling in their variety, in their attractiveness and in some cases in their originality. One Hon'ble Member who cannot certainly be accused of any humility went even to the extent of condemning the Law Member because he had the temerity to introduce a Bill without taking the census, collecting all possible facts of taxation, the degree of which is to be decided by the Panchayats themselves. I can only say that such arguments are difficult to understand. Here we are conferring power of taxation between certain limits according to the discretion of the Panchayats. The Hon'ble Member expects the Law Member to have taken a preliminary survey and collected statistics about the possible revenue that could be collected by the Panchayats according to the rates which are best known to themselves. One Hon'ble Member stated that if he were to return to his constituency after passing this Bill he will have to fortify himself with a 'Pala' and other things. I cannot quite

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appreciate the Hon'ble Member's apprehension. So long as a man cannot stand upon his own legs certainly he has to face such things. But I am sure that argument does not appeal to the generality of the Hon'ble Members. I can quite understand the Hon'ble Members standing up and opposing a measure on grounds of a more manly nature. One Hon'ble Member stated that he had absolutely no objection to the measure but that it is a camouflaged measure intended really to pay the Health Department officials. Such things hardly require any refutation. Without going in extenso to these grounds which were cited against this Bill, I am however referring to two observations. The Hon'ble Member for South Ezhuvas was in complete agreement with the principle underlying the Bill. So also the Hon'ble Member for Pallippuram. Both of them had reasons for not supporting the measure now. I must repeat I cannot follow their reasons. I cannot probe into them, for the reason that most of the reasoning was quite unintelligible to me at any rate. I do not wish to force such a measure down the throat of the non-official public. There was no occasion for such an apprehension. Therefore I am going to adopt a method which I shall refer to you later on. To me it appears that when the heat of this debate is over and the Hon'ble Members are in their homes I am sure they will regret that they were party in throwing out the Bill. As it is this bill besides being entirely voluntary has got safeguards. Supposing a state of affairs where a Panchayat introduces taxation and the people are unwilling. There is the veto of the Government available. There is no time limit whatever.

Dr. A. R. Menon *(Pallippuram).*—How can the Government know that?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—The Hon'ble Member for Pallippuram can bring it to the notice of the Government.

Dr. A. R. Menon *(Pallippuram).*—When a Panchayat introduces a measure how can the Member for Pallippuram know that and bring the matter here?

Mr. Thomas Manjuran *(Government Advocate and Law Officer.)*—It will be seriously considered. Petitions can be brought to the Council. All Governments have to take notice of real honest public opinion. Even after understanding the existence of these safeguards, if Hon'ble Members think that this is a measure which ought to be opposed at this stage I beg

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with your leave to move that clause 3 of the Bill may be allowed to be deleted with the Schedules, etc.

Mr. P. Kumaran Ezhuthassan *(Vadakkancherri).*—What has the Government Member to say with regard to the points raised by the Hon'ble Member for South Ezhuvas, i. e. whether the Government will be pleased to consider the question of granting to the Panchayats the powers that have already been granted under the Regulation?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—That issue does not arise here.

Deputy President.—What has been brought to their notice will be considered by the Government.

Motion to delete clause 3 with the schedule was put and carried.

Mr. P. Kumaran Ezhuthassan *(Vadakkancherri).*—I want to draw your attention to the ruling of the President at the time of the discussion on the demand for General Administration that when a solitary Member said 'No' the question was put to the vote of the House.

Deputy President.—The next item may be proceeded with.

Mr. K. T. Mathew *(Kunnamkulam)*—A Poll, Sir.

Deputy President.—We have already passed to another item.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I move that the Bill as amended be read in Council.

Mr. T. S. Narayana Ayyar *(Secretary to Government)*—I second it.

Motion was put and carried.

Secretary to the Council—The title of the Bill is 'The Cochin Village Panchayat Regulation Amendment Bill."

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I request that the S. O. may be suspended and the Bill taken into consideration at once.

Motion was put and carried.

Deputy President.—The question is that clause 4 of the original Bill now re-numbered as clause 3 stand part of the Bill.

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3. At the end of para 1 of section 46 of the said Regulation for the words 'through the Parvathyakaran within whose jurisdiction he resides' the following words shall be substituted:—

Amendment of section 46 of the Cochin Village Panchayat Regulation.

"either through the Panchayat Court or the Parvathyakaran within whose jurisdiction he resides".

Clause was put and carried.

Deputy President.—The question is that Clause 2 stand part of the Bill.

2. For clause (1) of section 9 of the said Regulation, as amended by Regulation III of 1097, the following shall be substituted.—

Amendment of clause (1) of section 9 of the Cochin Village Panchayat Regulation.

'(1) A Panchayatdar or President may resign his office by giving notice to the Government through the Panchayat. But in cases where the Panchayat is not functioning such resignation may be effected by giving notice to the Government either through the Tahsildar or the Magistrate or the District Registrar or the Panchayat Inspector or the Panchayat Overseer having jurisdiction over the village for which the Panchayat is established. The resignation shall take effect from the day on which it is accepted by the Government.'

Clause was put and carried.

Deputy President—The question is that Clause 1 stand part of the Bill.

1. (1) This Regulation may be called the Cochin Village Panchayat (Amendment) Regulation of 1112.

Short title and commencement.

(2) It shall come into force on such day as the Government may, by notification in the Cochin Government Gazette, direct.

Clause was put and carried.

Deputy President.—The question is that the Title and Preamble stand part of the Bill.

The Cochin Village Panchayat Regulation Amendment Bill.

WHEREAS it is expedient further to amend the Cochin Village Panchayat Regulation, V of 1089, hereinafter referred to as the 'said Regulation', it is hereby enacted as follows.

Preamble

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